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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,612	08/30/2001	Yoshinobu Aoyagi	1794-0141P	6758
2292	7590	06/30/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			SONG, MATTHEW J	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			1792	
NOTIFICATION DATE		DELIVERY MODE		
06/30/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 09/941,612	Applicant(s) AOYAGI ET AL.
	Examiner MATTHEW J. SONG	Art Unit 1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on 03 April 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 37-48 is/are pending in the application.
- 4a) Of the above claim(s) 45-48 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 37-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 37-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 37 recites, "wherein an acceptor level of said semiconductor having a deep band gap becomes shallow, since the complex probability of three atoms increases by applying the tendency that the atoms easily move around on a surface of said crystal and a molecular state acceptor which is obtained by associated two acceptors and a donor is produced" in lines 7-10. There is no support for this limitation in the original disclosure. The original disclosure does not

Art Unit: 1792

teach anything about a deep band gap becomes shallow, nor does the original disclosure teach the complex probability of three atoms increases by applying the tendency that the atoms easily move around on a surface of said crystal, and the original disclosure does not teach that a molecular state acceptor which is obtained by associated two acceptors and a donor is produced. The original disclosure does not even use the terms "complex probability", "shallow", "molecular state acceptor", or "two acceptors." Claims 38-44 are rejected because claims 38-44 depend from claim 37, thus incorporate the same limitation.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 37-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 37 recites, "wherein an acceptor level of said semiconductor having a deep band gap becomes shallow" in lines 7-8. It is unclear what is deep and what is shallow. There is no guidance in the specification as to what is considered deep or shallow.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al (US 5,693,139) in view of Edmond et al (US 5,739,554).

Nishizawa et al discloses a method of growing doped semiconductor monolayers, note entire reference, comprising raw material gases of Gallium (Ga) and Arsenic (As), where Ga is supplied for 0.5 to 10 seconds, the chamber is evacuated, this clearly suggests applicant's purged for a predetermined time, and As is supplied for 2 to 200 seconds and the cycle is repeated (col 7, ln 1-67; col 8, ln 1-30 and Fig 7B and Fig 11). Nishizawa et al also discloses a p-type layer is formed by introducing an impurity gases and Ga simultaneously but alternately with an As source, where the impurity gas is an Mg, Zn or Cd containing gas or Silane. Nishizawa et al also discloses a n-type layer doped with Se or S and the impurity gas is introduced cyclically with the Ga gas and As gas or the impurity gas and Ga gas are introduced simultaneously but alternately with the As gas (col 8, ln 31-60). Nishizawa et al also discloses forming pnp bipolar transistors (col 8, ln 61-67). Nishizawa et al also discloses nozzles 44, 45 and 46 for introducing gaseous compounds used for impurity doping for introducing group II, IV and VI gases (col 10, ln 50-

Art Unit: 1792

67). Nishizawa et al also discloses different modes of doping, where the dopant is added at the exhaustion of an As gas, the introduction of a Ga gas, the exhaustion of a Ga gas or at the introduction of As gas (col 11-13 and Fig 11). Nishizawa et al also discloses other III-V semiconductors are applicable to the invention (col 14, ln 5-55). Nishizawa et al also discloses introduction of a Ga source gas and a group II dopant simultaneously to form a p-type layer (col 8, ln 30-45) and the introduction of a group IV dopant after the introduction of a Ga source gas (col 15, ln 5-50). Nishizawa et al also discloses selection of the timing of doping with respect of the source gas introduction is based on the desired dopant type for the monolayer being grown (col 15, ln 45-55). Nishizawa et al teaches supplying reactants for a short period of time (col 11, ln 50-60), this clearly suggests applicants pulsed manner.

Nishizawa et al does not disclose the given time for supplying each of the impurity raw materials are close to each other.

Edmond et al teaches a gallium nitride (GaN) layer co-doped with both a Group II acceptor and Group IV donor (col 4, ln 50-67), where the group II acceptors include Zn or Mg and the Group IV donors include Si or Ge (col 6, ln 20-50), this clearly suggests applicant's time for supplying each of the impurity raw materials are close to each other. Edmond et al also discloses the GaN layer is formed by CVD, where Trimethylgallium (TMG), ammonia, silane and biscyclopentadienyl magnesium, $(Cp)_2Mg$ are used as reactant gases (col 7, ln 45-67 and col 8, ln 1-50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Nishizawa et al with Edmond et al's co-doping to form a co-doped GaN layer useful as an active layer (Abstract).

As to the limitation wherein an acceptor level of said semiconductor having a deep band gap becomes shallow, since the complex probability of three atoms increases by applying the tendency that the atoms easily move around on a surface of said crystal and a molecular state acceptor which is obtained by associated two acceptors and a donor is produced, the combination of Nishizawa et al and Edmond et al teaches a similar method of supplying dopants of different types at closing timing, as applicant; therefore a similar method is expected to produce a similar result.

Referring to claim 37, the combination of Nishizawa et al and Edmond et al teaches supplying different doping types of impurity raw materials at close timings ('554 teaches co-doping) in a pulsed manner within one cycle wherein all types of the crystal raw materials are supplied in one time each in the case when plural types of the crystal raw material are alternately supplied in a pulsed manner with maintaining predetermined purge times ('139 Fig 11).

Referring to claims 38-39, the combination of Nishizawa et al and Edmond et al teaches co-doping using two different impurities, which clearly suggests applicant's close timing in a pulsed manner at the same time.

Referring to claim 40, the combination of Nishizawa et al and Edmond et al teaches forming a co-doped GaN layer using Mg and Si dopant, where the compound semiconductor layer is grown in monolayer by alternate introduction of source gases and the chamber being evacuated continuously throughout the whole method ('139 col 3, ln 35-45) and the Si is introduced after the Ga source gas to act as a donor and a Ga source and a Mg dopant are introduced simultaneously but alternately with a As source.

Referring to claim 41, the combination of Nishizawa et al and Edmond et al teaches the

introduction of a group IV dopant after the introduction of Ga and prior to the introduction of As and the introduction of group II dopant after the introduction of Ga and prior to the introduction of As (col 13, ln 10-35 and Fig 11).

Referring to claim 42, the combination of Nishizawa et al and Edmond et al teaches Ga as a first raw material gas and As or N as a second raw material gas.

Referring to claim 43, the combination of Nishizawa et al and Edmond et al teaches a co-doped layer with p-type and n-type impurities.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al (US 5,693,139) in view of Edmond et al (US 5,739,554) as applied to claims 37-43 above, and further in view of Manabe et al (US 6,472,690).

The combination of Nishizawa et al and Edmond et al teaches all of the limitations of claim 21, as discussed previously, including using silane as a Si dopant. The combination of Nishizawa et al and Edmond et al does not teach supplying TESi

In a method of forming a gallium nitride compound semiconductor, note entire reference, Manabe et al teaches forming an n+ type Gallium nitride layer, using silane or tetraethylsilane (TESi) (Example 4). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Nishizawa et al and Edmond et al with Manabe et al because substituting known equivalents for the same purpose is obvious (MPEP 2144.06).

Response to Arguments

Applicant's arguments with respect to claims 37-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. SONG whose telephone number is (571)272-1468. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J Song
Examiner
Art Unit 1792

MJS
June 22, 2008

/Robert M Kunemund/
Primary Examiner, Art Unit 1792